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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

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E.O. 11652: N/A

TAGS: PFOR, OAS

SUBJECT: OAS SPECIAL COMMITTEE TO REFORM: RIO TREATY

REF: (A) STATE 68861 (B) STATE 52845

SUMMARY. THE SPECIAL COMMITTEE ADJOURNED JULY 3 UNTIL SEPTEMBER 5. IT HAS MADE CONSIDERABLE PROGRESS IN NARROWING ISSUES; AND IN SOME CASES TENTATIVE AGREEMENTS OR NEAR-AGREEMENTS HAVE BEEN REACHED. TYING THESE ARRANGEMENTS TOGETHER WILL BE DIFFICULT, BUT THE OUTLOOK IS GOOD FOR A NEW PROTOCOL OF AMENDMENT WHICH WILL PRODUCE A TREATY WHICH IS BROUGHT UP TO DATE AND ON BALANCE SLIGHTLY NARROWED IN ITS SCOPE, BUT WHICH WILL BE FUNDAMENTALLY SIMILAR TO THE EXISTING TREATY. END SUMMARY.

1. THE SPECIAL COMMITTEE ON REFORMING THE INTER-AMERICAN SYSTEM MET JUNE 5 THROUGH JULY 3. IT DIVIDED INTO FOUR INFORMAL WORKING GROUPS TO DEAL WITH THE FOLLOWING SUBJECTS: (1) THE RIO TREATY, (2) CHAPTER IV OF THE OAS CHARTER (RIGHTS AND DUTIES OF STATES); (3) COOPERATION
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FOR DEVELOPMENT; AND (4) COLLECTIVE ECONOMIC SECURITY.

THIS CABLE REPORTS ON THE RIO TREATY NEGOTIATIONS.
CHAPTER IV WAS REPORTED IN REF (B). THE OTHER SUBJECTS
WILL BE REPORTED SEPARATELY.

2. CASTILLO OF GUATEMALA WAS ELECTED CHAIRMAN OF THE
WORKING GROUP ON THE RIO TREATY. ARGENTINA, BOLIVIA,

COSTA RICA, ECUADOR, EL SALVADOR, THE U.S., HONDURAS,
MEXICO, PARAGUAY, PERU, URUGUAY AND VENEZUELA WERE MEMBERS
BUT CHILE, COLOMBIA, DOMINICAN REPUBLIC, PANAMA AND T AND T
ALSO ATTENDED THE SESSIONS AND PARTICIPATED IN VARYING
DEGREES.

3. THE GROUP DID NOT SEEK TO APPROVE ARTICLES, BUT
RATHER SOUGHT TO RESOLVE DIFFERENCES IN SUBSTANTIVE
AREAS, MANY OF WHICH TOUCH ON SEVERAL ARTICLES. IT
TOOK NO VOTES, BUT SOUGHT ONLY TO COMPROMISE AND NEGOTIATE
DIFFERENCES. THE FOLLOWING ROUND-UP GIVES THE STATUS
OF NEGOTIATIONS AT THE WORKING GROUP LEVEL. ALL PROPOSED
CHANGES ARE STILL TENTATIVE.

A. EXTRA-CONTINENTAL ATTACK. PERU'S EFFORTS TO ELIMINATE,
OR AT LEAST GREATLY NARROW, COVERAGE OF ATTACK FROM
OUTSIDE THE HEMISPHERE, FOUND LITTLE SUPPORT. PRIMARILY
TO SAVE FACE FOR PERU, A FORMULA WAS DEVISED WHICH WOULD
HAVE INTRA- AND EXTRA-CONTINENTAL ARMED ATTACK DEALT
WITH IN SEPARATE PARAGRAPHS OF THE TREATY, BUT WHICH
WOULD NOT CHANGE THE TREATY'S APPLICABILITY TO BOTH
TYPES OF SITUATION.

B. INDIRECT AGGRESSION, THREATS, ETC. THERE WAS AGREE-
MENT TO NARROW SLIGHTLY THE LANGUAGE IN ARTICLE 6,
WHICH COVERS SITUATIONS WHICH ARE SHORT OF ARMED
ATTACK BUT MIGHT ENDANGER THE PEACE OF THE HEMISPHERE.
IN THE CURRENT TREATY THERE MUST BE A MEETING OF THE
ORGAN OF CONSULTATION (MFM) IF THE TERRITORY OR SOVER-
EIGNTY OF AN AMERICAN STATE IS AFFECTED BY QTE AN AGGRES-
SION WHICH IS NOT AN ARMED ATTACK OR BY AN EXTRA-CON-
TINENTAL OR INTRA-HEMISPHERIC CONFLICT, OR BY ANY OTHER
FACT OR SITUATION THAT MIGHT ENDANGER THE PEACE OF
AMERICA. UNQTE THE FOLLOWING IS TENTATIVE SUBSTITUTE
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LANGUAGE: QTE AN ACT OF AGGRESSION OR A CONFLICT OR
SERIOUS EVENT THAT MIGHT ENDANGER THE PEACE OF AMERICA.
UNQTE THERE WAS AGREEMENT THAT QTE AGGRESSION UNQTE
WOULD BE DEFINED IN ACCORDANCE WITH THE UN DEFINITION
WHICH IS EXPECTED TO BE APPROVED BY THE UN THIS FALL,
BUT SEVERAL DELEGATIONS WISHED TO DEVIATE FROM THE UN
DRAFT. MEXICO AND THE U.S. INSITED THAT IT WOULD
MAKE NO SENSE TO HAVE ONE DEFINITION IN THE OAS AND

ANOTHER IN THE UN. THE DEBATE WAS CUT OFF WHEN EL SALVADOR REQUESTED THAT THE QUESTION BE PUT OFF UNTIL THE NEXT MEETING OF THE SPECIAL COMMITTEE.

C. COVERAGE OF NON-SIGNATORY AREAS. LITTLE PROGRESS WAS MADE, THOUGH A MAJORITY SEEMED TO FAVOR ALLOWING THE MFMM TO MEET IN CERTAIN SITUATIONS WHERE A NON-MEMBER (SUCH AS GUYANA OR THE BAHAMAS) WAS A VICTIM. ON THE

OTHER HAND, MOST DELEGATIONS ALSO SEEMED TO RESENT THE FACT THAT NON-SIGNATORIES IN THE HEMISPHERE ARE GETTING A FREE RIDE -- SECURITY COVERAGE WITHOUT CORRESPONDING RESPONSIBILITIES.

D. ZONE COVERED BY THE TREATY. ON THE BASIS OF A NEW COMPROMISE PROPOSAL BY MEXICO, IT WAS AGREED THAT A SUB-GROUP OF EXPERTS (CARTOGRAPHERS OR MILITARY) SHOULD BE ESTABLISHED TO DRAW LINES FOR A NEW ZONE. THE PUSH BY PERU AND OTHERS TO MAKE TERRITORIAL WATERS THE OUTER LIMITS OF THE TREATY'S APPLICATION WAS THUS DISCARDED. THE WORKING GROUP RAN OUT OF TIME BEFORE IT COULD DRAW UP SPECIFIC GUIDELINES FOR THE NEW ZONE, WHICH WILL APPARENTLY BE MUCH SMALLER THAN THE PRESENT ZONE. (MEXICO WANTS TO EXCLUDE MOST OF CANADA.)

E. VOTING ON LIFTING SANCTIONS. THE GROUP DISCUSSED THIS BRIEFLY. URUGUAY JOINED ECUADOR IN SUPPORTING A SIMPLE MAJORITY VOTE TO LIFT SANCTIONS. MEXICO RETREATED SLIGHTLY FROM ITS PREVIOUS POSITION OF LIFTING SANCTIONS WHEN THEY CEASE TO ENJOY THE TWO-THIRDS SUPPORT REQUIRED TO IMPOSE THEM. THE NEW MEXICAN PROPOSAL IS FOR THE MFMM TO MEET AT THE REQUEST OF ANY TWO MEMBERS AFTER SANCTIONS ARE IMPOSED. IF SANCTIONS THEN GET A MAJORITY LIMITED OFFICIAL USE

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VOTE BUT NOT TWO-THIRDS, THEY WOULD BECOME OPTIONAL RATHER THAN OBLIGATORY.

4. COMMENT: HARDLY ANY -- PERHAPS NONE -- OF THE KEY PROBLEMS HAVE BEEN NAILED DOWN. FAILURE TO SATISFY EVERYONE IN ONE AREA (SAY, COVERAGE OF NON-SIGNATORIES) COULD CAUSE THE COLLAPSE OF ANOTHER (THE ZONE, PERHAPS), AND SO ON DOWN THE LINE. CONSEQUENTLY, THE NEGOTIATIONS GO FORWARD CAUTIOUSLY AND HALTINGLY. NEVERTHELESS, A PICTURE OF THE PROBABLE OUTCOME SEEMS TO BE EMERGING.

5. EXTRA-CONTINENTAL ATTACK WILL CONTINUE TO BE COVERED. IN ALL LIKELIHOOD, ATTACKS ON (OR QTE SERIOUS EVENTS UNQTE AFFECTING) NON-SIGNATORIES IN THE HEMISPHERE WILL BE COVERED TO THE EXTENT OF PERMITTING THE MFMM TO MEET AND

IF NECESSARY TO ACT. THE MARITIME ZONE -- NOW WELL BEYOND A THOUSAND MILES FROM THE SHORE AT MANY POINTS -- WILL BE GREATLY REDUCED, BUT WILL PROBABLY BE BEYOND 200 MILES. CERTAIN PHRASES WHICH CAUSE SOME DELEGATIONS TO SEE RED, SUCH AS QTE AN AGGRESSION WHICH IS NOT AN ARMED ATTACK UNQTE WILL BE DROPPED, BUT EQUALLY UNSPECIFIC LANGUAGE (QTE SERIOUS EVENT UNQTE) WILL TAKE ITS PLACE AND WILL ALLOW THE RIO TREATY TO BE INVOKED WHEN THERE IS SUFFICIENT POLITICAL WILL. SOME REFERENCE TO QTE COLLECTIVE ECONOMIC SECURITY UNQTE WILL PROBABLY EVENTUALLY

BE INCORPORATED, BUT IT WILL HAVE NO OPERATIONAL SIGNIFICANCE IN THE TREATY. THERE WILL PROBABLY BE A MAJORITY FOR CHANGING THE VOTING FORMULA FOR LIFTING SANCTIONS, BUT THE OUTCOME IS UNLIKELY TO MAKE THE SANCTIONS ANY LESS AN EFFECTIVE INSTRUMENT. SOME FLEXIBILITY MAY OR MAY NOT BE ADDED BY PROVIDING FOR SANCTIONS WHICH ARE RECOMMENDED BUT NOT OBLIGATORY AND FOR PREVENTIVE, CONCILIATORY OR PERSUASIVE STEPS. COVERAGE OF THE FORCES OF A SIGNATORY OUTSIDE THE GEOGRAPHIC ZONE WILL BE DROPPED.

6. THE U.S. HAS BEEN FLEXIBLE ON MOST POINTS UNDER DISCUSSION AND HAS PLAYED A CONSTRUCTIVE ROLE. THERE HAS BEEN NO U.S.-LATIN CONFRONTATION; OUR POSITION IS USUALLY CONGRUENT WITH THAT OF THE MAJORITY. WE HAVE NEVERTHELESS MADE CLEAR OUR UNWILLINGNESS TO COMPROMISE LIMITED OFFICIAL USE

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ON THE FUNDAMENTALS, SUCH AS APPLICABILITY OF THE TREATY TO ALL ATTACKS REGARDLESS OF SOURCE AND PROVISION FOR AN MFM WHEN THE VICTIM IS NOT A SIGNATORY.

7. WHEN THE SPECIAL COMMITTEE MEETS AGAIN IN SEPTEMBER IT WILL HAVE A DIFFICULT TASK. IT MUST TAKE THE VARIOUS TENTATIVE NEAR-AGREEMENTS WHICH HAVE BEEN MADE, REFINED THEM, REDUCE THEM TO SPECIFIC ARTICLES AND FINALLY TIE THEM TOGETHER INTO A REASONABLY COHERENT WHOLE. THE OUTLOOK IS GOOD THAT IT CAN DO THIS, BUT IT WILL NOT BE EASY. SISCO

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